

REMARKS

Claims 1-19 are pending in this application with claims 1, 2, 6, 9 and 12 being amended and claims 14-19 being added by this response. Claims 1, 6 and 9 have been amended to clarify that the menu of selections of cell arrangements includes predetermined fixed cell arrangements and that each selection includes predetermined, fixed cell arrangements different from the other selections available in the menu. Support for this amendment is provided throughout the specification and specifically in Figures 17 and 18 and the corresponding description in the specification as well as on Page 8, lines 15-30 and Page 9, lines 17-31. Claims 2 and 19 has been formally amended in accordance with the amendments to claim 1. New claim 20 has been added and recites that "said plurality of different user selectable cell arrangements include a first row with a first number of columns and a second row with a different second number of columns". Support for new claim 20 can also be found in Figures 17 and 18 and the corresponding description in the specification.

Rejection of Claims 1, 2, 4 – 8, 14, 15 and 17 - 19 under 35 U.S.C. § 102(e)

Claims 1, 2, 4 – 8, 14, 15 and 17 – 19 are rejected under 35 U.S.C. §103(a) as being unpatentable by Gauthier et al. (U.S. Patent Application No. 2002/0036662) and further in view of Microsoft WORD.

The present claimed invention describes a method in a computer system for presenting under the control of a user a display of information. Instructions are received from the user to select a tabular format. In response thereto, a single menu of a plurality of different user selectable data selections is displayed to the user. The data selections comprises a first predetermined, fixed user selectable cell arrangement for display in tabular format and a different second predetermined, fixed user selectable cell arrangement for display in tabular format. The dimensions of a selected cell within a selected one of the plurality of user selectable cell arrangements is adjusted to permit

display of a data selection. Independent Claims 1 and 6 each include similar limitations to those discussed above and thus are arguments apply to each of these claims.

Gauthier et al. describe a method for allowing a user to “graphically create a refreshable Web Query by selecting tabular data displayed in a Web page.” The Office Action fundamentally misunderstands and misinterprets both the claims of the present invention as well as Gauthier et al. The Office Action asserts that Gauthier et al., in Figure 10 shows the claimed activity of “displaying to the user a menu” as in the present claimed invention. Contrary to the assertion of the Office Action, Figure 10 and the corresponding text disclose “tabular data 1025, of which a subset 1030 has been selected to be imported into a MICROSOFT EXCEL 2002 worksheet as a Web query using a pointing device 1035.” Alternatively, “the entire tabular data 1020 might also be selected to be pasted into the MICROSOFT EXCEL 2002 worksheet.” This figure merely shows selection of data from a table in a web page. The office action is correct in stating “each row [of cells] is a cell arrangement.” However, each row of cells in Gauthier et al. forms the **same** cell arrangement. This is wholly unlike the present claimed invention which displays “to the user a single menu of a **plurality of different user selectable data selections**”. Furthermore, Gauthier et al. (with MS WORD) neither disclose nor suggest a “single menu” enabling user selection of a “first data selection including a first predetermined, fixed user selectable cell arrangement” (e.g., having a first number of cells per row) for display in tabular format and a “second data selection including a second different predetermined, fixed user selectable cell arrangement” (e.g., having a different second number of cells per row) for display in tabular format as in the present claimed invention. The Office Action further erroneously contends that the data entered within cells in a row differs, then inherently the cell arrangement of each row differs. In fact, the conclusion reached by the Office Action only yields a different cell arrangement if the user chooses the cells based on the data contained therein. This is wholly unlike the present claimed invention which includes “a **single** menu of a plurality of different user selectable data selections” therein.

As previously discussed in the response filed on July, 19, 2005, according to the universally accepted definitions of the terms “cell” and “arrangement”, the menu of data selections of the present claimed invention provides a plurality of cells in a state of being put into a deliberate order or relation. The claimed “cell arrangement” thus has no relation to the data input into particular cells as asserted in the Office Action. Furthermore, Gauthier et al. while providing a number of selectable menus neither discloses nor suggests a “menu of a plurality of different user selectable data selections comprising a first...arrangement...and a different second...arrangement” as in the present claimed invention. In Gauthier et al. the user is always provided with the same single uniform cell arrangement or grid which may be manipulated thereafter by the user. This is clearly unlike the “data selections” of the present claimed invention wherein “a first predetermined, fixed user selectable cell arrangement for display in tabular format and a different second predetermined, fixed user selectable cell arrangement for display in tabular format”.

The Office Action cites Microsoft WORD for creating a table by selecting a desired number of rows and columns and that this method of creating a table is similar to the method Gauthier et al. Applicant agrees. However, the methods of both Microsoft WORD and Gauthier et al. are wholly unlike and unrelated to the method as claimed in the present claimed invention. In fact, the distinction between WORD and Gauthier et al. is present in the Examiner’s argument on page 3 of the Final Office and further clarified when looking to the cited screen shots presented therein. Microsoft WORD allows you to open a small window near the toolbar that has a grid. A user is then able to move the cursor over a desired number of rows and/or columns in order to insert a table having the desired number of rows and columns into a document. Thus, WORD allows for **creation** of a table having **user defined** number of rows and columns. This is not at all similar to the present claimed invention. Rather, the present claimed invention includes “a single menu of a plurality of different **user selectable** data selections”. Additionally, the data selections in the present claimed invention includes “a first predetermined, fixed...cell arrangement...and a different second predetermined, fixed...cell arrangement”. Contrary to the present claimed invention,

WORD shows a menu with a single data item that is customizeable by the user to obtain a desired table. This is NOT a “a plurality of different user selectable data selections comprising a first predetermined, fixed user selectable cell arrangement” as in the present claimed invention. Furthermore, WORD does not provide for a “different second predetermined, fixed user selectable cell arrangement” as in the present claimed invention. Instead, WORD provides a single item (grid) that can be entirely or partially selected to obtain a desired table format. Unlike the present claimed invention, WORD (with Gauthier et al.) provide no plurality of “predetermined, fixed cell arrangements” that are different from one another for a user to select. WORD forces a user to decide the size and format of a desired table and does NOT allow a user to select from a plurality of different tables each having a “predetermined, fixed cell arrangement” as in the present claimed invention.

Applicant respectfully submits that the combination of the system of Gauthier et al. with the screen shots of Microsoft WORD would not produce the present invention as claimed in claim 1. Instead, the system resulting from the above combination would yield a system that allows a user to select tabular data displayed in a webpage to create a web query and choose a new, user customizable, table for the selected data to be displayed therein. This is wholly unlike the present claimed invention and provides no common problem recognition with the present claimed invention. Specifically, the present claimed invention recites “displaying to a user a single menu of a plurality of different user selectable data selections”. The combined system of Gauthier and WORD require the user to directly define a selection. Additionally, as the combined system requires user defined input, the combined system neither discloses nor suggests “a first predetermined, fixed user selectable cell arrangement...and a different second predetermined, fixed user selectable cell arrangement” as in the present claimed invention. Alternatively, as shown in the screenshots under the heading “Create Tables” on pages 1 and 2 within the “About Tables” help section, a user can selectively create the table by manually drawing a table to desired specifications by creating the outer boundary first and then adding a plurality of lines to define the cells contained therein. Similarly, as discussed above, since the tables in WORD are user created, they

are **NOT** “predetermined, fixed cell arrangements” as in the present claimed invention. Consequently, it is respectfully submitted that amended claim 1 is patentable over the cited references.

Regarding claim 6, the Office Action contends that Figure 4, ref. 340 of Gauthier et al. shows “selecting one of the predefined tables” and Figure 5 shows “displaying the user selectable cell arrangement defined by the predefined table; of the present claimed invention. Figure 4 shows a screen display of a New Web Query window in MICROSOFT EXCEL 2002 including data in a table selected from a web page. And ref. 340 of Figure 4 indicates “click to select this table.” The table of Figure 4 neither shows nor suggests “an image set of a plurality of different user selectable predefined tables ... comprising a first table having a plurality of cells in a first predetermined, fixed user selectable cell arrangements and a second table having a plurality of cells in a different second predetermined, fixed user selectable cell arrangement” and thus cannot show “selecting one of the predefined tables” as in the present claimed invention. Rather, Figure 4 shows a single table from a web page pre-populated with data that, when a cursor is positioned over the icon may be selected for import into the MICROSOFT EXCEL spreadsheet of Figure 5 (see page 4, paragraph [0028]). This is wholly unlike the present invention as claimed in claim 6.

With respect to claims 14 and 15, Gauthier et al. alone or in combination with Microsoft WORD neither disclose nor suggest “at least one of said plurality of predetermined, fixed user selectable cell arrangements includes a varying number of rows for each column in said cell arrangement” as in the present claimed invention. Specifically, as discussed above with respect to claim 1, Gauthier et al. and WORD neither disclose nor suggest “predetermined, fixed **user selectable cell arrangements**” as in the present claimed invention. Rather, Gauthier and WORD disclose the ability for the user to define the number of columns and rows in a user-created a table. This is NOT a “predetermined, fixed user selectable cell arrangement” as in the present claimed invention. The Office Action cites Figure 1 of the WORD screenshots as disclosing the features claimed in claims 14 and 15. Applicant respectfully disagrees.

Specifically, while Figure 1 shows a table having varying number of rows for each column, Figure 1 is the tabular output of a **user-defined** table. There is no feature in Microsoft WORD for **“displaying to the user a single menu of a plurality of different user selectable data selections”** as in the present claimed invention.

With respect to claim 19 and new claim 20, Gauthier et al. and WORD neither disclose nor suggest “said first data selection including a first predetermined, fixed user selectable cell arrangement...and said second data selection including a second different predetermined, fixed user selectable cell arrangements” as in the present claimed invention. Additionally, Gauthier et al. and WORD neither disclose nor suggest “said plurality of different user selecteable cell arrangements include an arrangement having a first column with a first number of rows and a second column with a different second number of rows” as claimed in claim 19. Furthermore, Gauthier et al. and WORD neither disclose nor suggest “said plurality of different user selecteable cell arrangements include an arrangement having a first row with a first number of columns and a second row with a different second number of columns” as claimed in claim 20. The Office Action further erroneously relies on Figure 1 of the WORD screenshots as disclosing this feature. Similarly as discussed above with respect to claims 14 and 15, WORD merely shows the tabular output of a table with different rows versus columns. However, the display of a table with these characteristics is **NOT** a “data selection” having “predetermined, fixed user selectable cell arrangements” as in the present claimed invention. In order for a user to have a table similar to the table displayed in Figure 1 of the screenshots, the user must open a menu and choose what the dimensions of the table must be and **then** manually adjust the numbers of rows with respect to columns (or vice versa). WORD does not provide for **“displaying to the user a menu of a plurality of data selections”** as in the present claimed invention.

Furthermore, with respect to claims 14, 15, 19 and 20, the screenshots of Microsoft WORD provided in the Office Action further emphasize the distinction between the present claimed invention and Microsoft WORD. The subheading “Create

Tables” in the screen shot of the “About Tables” help menu clearly shows the distinction presented above. In order for a user to create a complex table, the user must select “draw table” to form an outer boundary of the table and then individually draw lines within the user-defined outer boundary to create the desired number of rows and columns. This is wholly unlike the present claimed invention which provides for “display a **single menu** of a plurality of different user selectable data selections comprising a first **predetermined, fixed user selectable cell arrangement...**and a **different second predetermined, fixed user selectable cell arrangement**”. As WORD clearly defines that the table is manually to be created by the user, WORD clearly neither discloses nor suggests a menu having “predetermined, fixed user selectable cell arrangements” as in the present claimed invention.

In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Gauthier et al. showing the above discussed features of Claims 1 and 6.

In view of the above remarks and amendments to claims 1 and 6, it is respectfully submitted that independent claims 1 and 6 are not made unpatentable by Gauthier et al alone or in combination with MICROSOFT WORD. As claims 2, 4, 5, 14, 17 and 19 are dependent on claim 1 and claims 7, 8, 16 and 18 are dependent on claim 6, it is respectfully submitted that these claims are also patentable for the reasons discussed above with respect to claim 1 and 6, respectively. It is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claim 3 under 35 USC§ 103(a)

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gauthier et al. (U.S. Patent 5,809,266), Microsoft WORD and further in view of Kumagi (U.S. Patent No. 5,812,983).

Kumagi discloses a method for integrating and displaying medical data in which a computer program links a flow sheet of a medical record to medial charts. The program determines the position of a cursor in the flow sheet, and interpolates or erases data in cells of the flow sheet as appropriate. However, similarly to Gauthier et al., Kumagi neither disclose nor suggest “displaying to the user a **single menu** of a plurality of different user selectable data selections comprising a first **predetermined, fixed user selectable cell arrangement**...and a different second **predetermined, fixed user selectable cell arrangement**” as claimed in claim 1 of the present invention. Kumagi is concerned with interpolating or erasing data in the cells of the flow sheet as appropriate. This is unlike the present claimed invention which is concerned with providing a plurality of a user selectable cell arrangements and displaying data therein.

As discussed above with respect to claim 1, WORD provides no 35 USC 112 compliant enabling disclosure of “selection of a tabular formate from a list of predetermined formats” as asserted in the Office Action. Instead, WORD provides a window having a grid-like array therein whereby a user determines and defines the boundaries of a table to be created. This is wholly unlike the “menu of plurality of data selections including at least first and second data selections” as in the present claimed invention. Furthermore, as the user is required to define the boundaries of the table, WORD neither discloses nor suggests “predetermined, fixed user selectable cell arrangements” as in the present claimed invention.

The applicant respectfully submits that there is no reason or motivation to combine Gauthier et al., WORD, and Kumagi. Gauthier et al. disclose a system that allows a user to graphically create a refreshable Web Query by selecting tabular data displayed in a Web page and obtaining refreshable data from a Web page to import into a spreadsheet program. WORD merely allows for a user to define the dimensions of a table. Kumagi disclose a system concerned with interpolating or erasing data in the cells of the flow sheet as appropriate. Gauthier et al., WORD and Kumagi are directed towards completely different objectives and provide dissimilar solutions to meet their

individual objectives and thus it is respectfully submitted that the combination of these references to produce the present claimed invention would not be obvious.

In view of the above remarks and the remarks concerning Independent claim 1, it is respectfully submitted that Gauthier et al., WORD and Kumagi when taken alone or in combination provide no 35 USC 112 compliant enabling disclosure showing the features claimed in claim 1. As claim 3 is dependent on claim 1, it is respectfully submitted that claim 3 is patentable for the same reasons as claim 1 discussed above. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 9-13 under 35 USC § 103(a)

Claims 9-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gauthier et al. (U.S. Patent No. 5,809,266) and further in view of Smith et al. (U.S. Patent No. 6,188,407).

The present invention as claimed in claim 9 provides a computerized method of displaying medical data. At least a first and second stream of real time medical data is obtained. A table is selected from a single menu of a plurality of different user selectable tables comprising a first table including multiple cells in a predetermined, fixed user selectable cell arrangement and a second table including multiple cells in a different second predetermined, fixed user selectable arrangement. The selected table having multiple cells is displayed. A manual pointing device is manipulated to select a first cell within the table and the first data stream is inserted into the first cell. A manual pointing device is manipulated to select a second cell within the table and the second data stream is inserted into the second cell.

As discussed above, Gauthier et al. neither discloses nor suggests "a single menu of a plurality of different user selectable tables comprising a first table including multiple cells in a predetermined, fixed user selectable cell arrangement and a

second table including multiple cells in a different second predetermined, fixed user selectable cell arrangement ” as in the present claimed invention.

As previously discussed in the response filed on July, 19, 2005, according to the universally accepted definitions of the terms “cell” and “arrangement”, the menu of data selections of the present claimed invention provides a plurality of cells in a state of being put into a deliberate order or relation. The claimed “cell arrangement” thus has no relation to the data input into particular cells as asserted in the Office Action. Furthermore, Gauthier et al. while providing a number of selectable menus neither discloses nor suggests a “selecting a table from menu of a plurality of different user selectable tables” as in the present claimed invention. In Gauthier et al. the user is always provided with the same single uniform cell arrangement or grid which may be manipulated thereafter by the user. This is clearly unlike the “tables” of the present claimed invention wherein “said first data table including multiple cells in a predetermined, fixed user selectable cell arrangement and said second table including multiple cells in a different predetermined, fixed user selectable cell arrangement”. Additionally, MICROSOFT EXCEL, similarly to Gauthier et al. neither discloses nor suggests the claimed arrangement. Rather, EXCEL only provides a single conventional spreadsheet each time a file is opened.

Contrary to the assertion in the Office Action, Gauthier et al. in Figures 4, 5, 10 and 11 neither disclose nor suggest “selecting a table from a menu of a plurality of different user selectable tables comprising a first table including multiple cells in a predetermined, fixed user selectable cell arrangement and a second table including multiple cells in a different second predetermined, fixed user selectable cell arrangement” as in the present claimed invention. Rather, Gauthier et al. in Figure 10 shows a web page wherein “tabular data 1025, of which a subset 1030 has been selected to be imported into a MICROSOFT EXCEL 2002 worksheet as a Web query using a pointing device 1035.” Alternatively, “the entire tabular data 1020 might also be selected to be pasted into the MICROSOFT EXCEL 2002 worksheet.” And Figure 11 of Gauthier et al. shows the data selected from the web page imported into a

MICROSOFT EXCEL 2002 worksheet. Figure 4 of Gauthier et al. merely shows a screen display of a New Web Query window in MICROSOFT EXCEL 2002 including data in a table selected from a web page. Additionally, Figure 5 of Gauthier et al. shows the data from Figure 4 in a MICROSOFT EXCEL 2002 worksheet. None of these figures in Gauthier et al. disclose or suggest the claimed “menu” which includes “a first table including multiple cells in a **predetermined, fixed user selectable cell arrangement** and a second table including multiple cells in a **different second predetermined, fixed user selectable cell arrangement**” as in the present claimed invention, shown for example as tables 22 – 28 in Figure 18 of the present claimed invention.

The Office Action cites Microsoft WORD for creating a table by selecting a desired number of rows and columns and that this method of creating a table is similar to the method Gauthier et al. Applicant agrees. However, the methods of both Microsoft WORD with Gauthier et al. are wholly unlike and unrelated to the method as claimed in the present claimed invention. In fact, the distinction between WORD and Gauthier et al. is present in the Examiner’s argument on page 3 of the Final Office and further clarified when looking to the cited screen shots presented therein. Microsoft WORD allows you to open a small window near the toolbar having a grid. A user is then able to move the cursor over a desired number of rows and/or columns in order to insert a table having the desired number of rows and columns into a document. Thus, WORD allows for **creation** of a table having **user defined** number of rows and columns. This is entirely dissimilar to the present claimed invention. Rather, the present claimed invention includes “menu of a plurality of different user selectable tables”. Contrary to the present claimed invention, WORD shows a menu with a single data item that is customizable by the user to obtain a desired table. This is **NOT** a “first table including multiple cells in a first **predetermined, fixed user selectable cell arrangement**” as in the present claimed invention. Furthermore, WORD does not provide for a “second table including multiple cells in a **different second predetermined, fixed user selectable cell arrangement**” as in the present claimed invention. Instead, WORD provides a single item (grid) that can be entirely or partially selected to obtain a

desired table format. Unlike the present claimed invention, WORD (with Gauthier et al.) provide no plurality of “predetermined, fixed cell arrangements” that are different from one another for a user to select. WORD forces a user to decide the size and format of a desired table and does NOT allow a user to select from a plurality of different tables each having a “predetermined, fixed cell arrangement” as in the present claimed invention. Alternatively, as shown in the screenshots under the heading “Create Tables” on pages 1 and 2 within the “About Tables” help section, a user can selectively create the table by manually drawing a table to desired specifications by creating the outer boundary first and then adding a plurality of lines to define the cells contained therein. Similarly, as discussed above, since the tables in WORD are user created, they are NOT “predetermined, fixed cell arrangements” as in the present claimed invention.

Smith et al. disclose a reconfigurable user interface for a modular patient monitor. The interface recognizes when new parameters are added or removed, automatically reconfigures the display and updates the menu selection options. However, similarly to Gauthier et al., Smith et al. neither disclose nor suggest “selecting a table from a menu of a plurality of different user selectable tables comprising a first table including multiple cells in a predetermined, fixed user selectable cell arrangement and a second table including multiple cells in a different second predetermined, fixed user selectable cell arrangement” as claimed in claim 9 of the present invention. Smith et al. are concerned with automatically reconfiguring a display upon addition or removal of data. This is wholly unlike and unrelated to the present claimed invention

Additionally, contrary to the assertions of the Examiner, Smith et al. neither disclose nor suggest “obtaining at least a first and second stream of real time medical data” as claimed in claim 9 of the present claimed invention. Rather, all that is shown in Figure 2, ref. 24 and the corresponding text of Smith et al. is a display screen including an illustration of the menu field, flash box, alarms message field, waveform field, vital signs field, and help line.

The applicant respectfully submits that there is no reason or motivation to combine Gauthier et al. with WORD and/or Smith et al. Gauthier et al. disclose a method and system for creating refreshable web queries from tabular data displayed on a web page. On the other hand, WORD provides the user with a menu to create a user-defined table and Smith et al. disclose a system for automatically updating a previously generated display upon addition and deletion of data. While both Gauthier et al. and Smith et al. involve data, these references are responsive to different problems and thus it is respectfully submitted that the combination of these references to produce the present claimed invention would not be obvious. Gauthier et al. involves making the creation of a "Web Query simpler and more intuitive for the average user" (page 2 [0009]). Smith et al., on the other hand, provides "a reconfigurable user interface for a modular patient monitor which automatically adapts to a new configuration of parameter modules and parameters and displays the new parameters to the operator in a new display configuration" (page 2, lines 4-8). WORD differs from both references as it is merely concerned with creating a table having user specified dimensions.

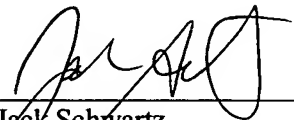
Even if there was a motivation to combine these two references, the combination of the method and system of Gauthier et al. with the systems disclosed by WORD and Smith et al. as suggested in the Rejection results in a method for automatically refreshing web queries when tabular data in a table having user-specified boundaries was added or deleted the web page where the data was imported from. The combination of Gauthier et al. and Smith et al., neither discloses nor suggests "obtaining at least a first and second stream of real time medical data" as in the present claimed invention. Nor does the combined system result in one that provides for "selecting a table from a menu of a plurality of different user selectable tables comprising a first table including multiple cells in a **predetermined, fixed user selectable cell arrangement** and a second table including multiple cells in a **different second predetermined, fixed user selectable cell arrangement**" as in the present claimed invention.

In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Gauthier et al., WORD or Smith et al. showing the above discussed features. It is thus further respectfully submitted that independent claim 9 is patentable over Gauthier et al., WORD and Smith et al. when taken alone or in combination. As claims 10-13 are dependent on claim 9 it is respectfully submitted that these claims are also allowable. It is thus, further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 50-2828.

Respectfully submitted,
William Buresh et al.

By: 

Jack Schwartz
Reg. No. 34,721

Jack Schwartz & Associates
1350 Broadway
Suite 1510
New York, New York 10018
Tel. No. (212) 971-0416
Fax No. (212) 971-0417
January 5, 2006



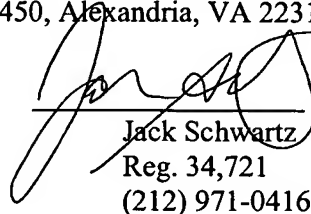
Serial No. 10/004,239

Attorney Docket No. 2000P09063US01

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: January 5, 2006



Jack Schwartz
Reg. 34,721
(212) 971-0416